

# **2001-2002 Annual Pro Bono Report and Plan District V**

**Promoting Equal Access to Justice  
And  
Pro Bono Opportunities**



This Pro Bono Report and Plan is made pursuant to Rule 6.5 of the Indiana rules of Professional Conduct.

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**Governance:**

The Committee is chaired by Judge Daniel C. Banina. Each County within the district shall be represented by the bar association president of each county or his/her designee. Each legal service provider providing services within the district shall also be represented on the committee. There shall be at least one member who has been a recipient of pro bono services. Membership on the committee shall be perpetual for all bar presidents within the district. Non-lawyers on the committee shall serve at their pleasure.

**Plan Administrator:**

The plan administrator is the district chairman, Judge Banina. He will coordinate the committee and provide oversight for the committee's activities. This position is not funded.

**Prior year progress:**

Last year's plan and budget are being revised due to funding constraints. There was also an unexpected problem. There was no organization able to handle the funding on behalf of the District. The most likely organization, LSPNI, the former Legal Services provider declined to administer the funds due to problems posed by a pending merger. The District is currently negotiating with Indiana Legal Services to administer the funds on behalf of the District. Due to these problems, the plan for 2002 will be a continuation of the revised 2001 efforts.

Legal Services has continued to provide intake, screening, placement, and follow-up activities for the District.

**Existing Services, Programs and Funding Sources:****Indiana Legal Services Inc.**

(ILS) is the new LSC funded program providing legal assistance to low-income and elderly clients in all of Indiana, including District IV. It assumed operation of the Lafayette office of the Legal Services Program of Northern Indiana, Inc. (LSPNI), effective May 1, 2001. ILS will continue to be involved in promoting pro bono representation. It will continue working with the "Community Volunteer Lawyers Panel", the group of pro bono attorneys recruited by LSPNI in its 14 county service area including all of District V.

ILS has policies and procedures for screening and referring cases to pro bono attorneys, following up on those cases, recording the hours the attorneys spend on each case, assessing client satisfaction, including a client grievance procedure. It will work with the Committee to provide educational opportunities for pro bono attorneys and with community recognition of the pro bono attorneys. ILS will also continue to assist with certain supportive services including malpractice insurance and a litigation fund for extra ordinary expenses for cases referred to pro bono attorneys.

**Howard County Legal Aid:**

Howard County Legal Aid is a local voluntary program organized by the Howard County Bar Association. It serves only low-income residents of Howard County. Presently approximately 20 attorneys participate in the legal aid program on a weekly rotational basis. The Legal Aid attorney meets with prospective clients on Tuesday afternoon in the Courthouse where the attorney screens clients and provides basic advice or schedules appointments for eligible clients needing more than advice.

**Mediation Program, Wabash**

This is a faith based mediation project in Wabash County. It provides low-cost to free mediation depending on the type of case. Presently it charges for civil cases.

**Current Delivery System**

Presently, Indiana Legal Services is the primary point of entry for most clients in District V to access pro bono attorneys. Clients needing assistance contact ILS and place an application over the phone or in person. Applications are reviewed weekly by ILS attorneys and staff for eligibility and possible representation by an ILS attorney, a pro bono attorney, or for basic advice without representation.

If a client meets ILS guidelines and a pro bono attorney is available who handles that type of case; the attorney is contacted regarding availability and conflicts. If the attorney is available, the case is referred to the attorney and monitored periodically until the attorney indicates the case is closed. At that time the attorney is asked to provide a summary including the outcome of the case and the hours spent on the case. ILS maintains a fund for extraordinary litigation expenses for the cases it refers to the volunteer attorneys. The attorney must make requests for monies from this fund in advance of the expenditure. Ordinary out of pocket expenses are not reimbursed. ILS also carries malpractice insurance for each case referred to a pro bono attorney. An ILS paralegal/volunteer coordinator is responsible for the actual referral and

follow-up of pro bono cases. Depending on the case, ILS offers sample forms such as informa pauperis pleadings and orders to encourage the attorneys to handle pro bono cases.

## **PROBLEM STATEMENTS/RECOMMENDATIONS**

### **Summary**

1. Insufficient number of attorneys involved in an organized pro bono plan.
2. Lack of knowledge about legal rights, responsibilities and availability of legal assistance.
3. Inability to afford representation.
4. Lack of knowledge and confidence for pro se litigants.

### **Problem/Barrier #1**

Insufficient number of attorneys involved in an organized pro bono plan to meet the need.

Supporting Data:

- Legal Needs Study of the Poor in Indiana, 1992
- The Legal Needs of Low-Income Hoosiers, 1999

### Activities to Meet the Need:

A. The Committee will work with the Bench and Bar in each county to encourage attorney participation. . Each attorney committee member is encouraged to participate in one or more of the pro bono programs existing in the District and is asked to actively recruit at least one new pro bono attorney from their local bar.

One of the growing trends in the field of Volunteerism is project based volunteering. Today's volunteers want a volunteer opportunity where they know the extent of their involvement, i.e. a project. To supplement more traditional recruiting methods and to take advantage of this trend, the committee will develop a specific list of needs and recruit a different attorney to handle each item on that list. (e.g. Need: One attorney in xyz county to handle two divorces in 2001 where custody will be an issue. Need: One attorney in xyz county to handle three uncontested divorces in 2001, etc.)

B. Provide intake, screening, and referral of prospective clients: This activity is to be provided through Indiana Legal Services.

C. Matching cases with individual attorney expertise: Legal Services will be primarily responsible for maintaining a list of pro bono attorneys in District 5, the types of cases they are willing to handle and matching clients with the attorneys.

D. Provide resources for litigation and extraordinary out-of-pocket expenses by contributing to the “extraordinary litigation expense fund” to be handled through Indiana Legal Services.

E. Malpractice Insurance: Will be provided through Indiana Legal Services on each case referred through its office to a volunteer attorney

F. Recognition: The committee will develop ways of providing recognition for the pro bono attorneys.

#### Expected Results / Benchmarks:

Recruiting 2 new attorneys in each county who are willing to handle case types where there is a high demand, such as divorces.

#### Costs:

ILS Staff time  
Extraordinary Litigation Fund  
Malpractice Insurance Premiums  
Printing and Mailing costs for recruiting, etc.

#### **Problem/Barrier #2**

Lack of knowledge about legal rights, responsibilities and availability of legal assistance to persons of limited means. Inability to recognize when the services of a lawyer are needed.

#### Supporting Data:

- Legal Needs Study of the Poor in Indiana, 1992  
- The Legal Needs of Low-Income Hoosiers, October 1999

#### Activities to address the Problem:

##### A. Educational Presentations:

At least one informational meeting will be held per year in every county in District 5.

The committee member in each county will be responsible for locating an appropriate forum and will work with other social service providers in regards to scheduling and location. The committee member shall work to make the presentation a part of a larger function that will be well publicized to help increase attendance. The committee member in each county will coordinate the publicity for the meeting which can include, but is not limited to: contacting social service providers, neighborhood organizations, placing public service announcements, press releases, notices in the courthouse and informing the private bar. Legal Services will cooperate with the committee and provide necessary support for the committee.

The committee shall decide the topic and be responsible for recruiting a speaker or speakers, preferably, a pro bono attorney. Information shall be given not only concerning individual rights, but also responsibilities, how to avoid common problems, and if appropriate, how to represent oneself in these matters. There will be a question and answer session at the end of each presentation.

A handout shall be available and offered to those attending summarizing the presentation and shall be made available to any other interested persons upon request. In most instances, it should be possible to utilize materials that have already been prepared by other providers such as the Indiana Bar Association, Legal Services, etc. Alternatively, the committee members or the speaker could prepare the hand out materials.

Every informational meeting will also present information about the legal resources available to persons of limited means in that county.

#### B. Educating Parents:

With the advent of “Parenting Time Guidelines” significant problems are anticipated with parents not knowing their rights and responsibilities under these new, complex guidelines. With the complexity of the guidelines, the committee believes it is essential that every parent involved in a divorce or paternity case be able to have a copy of the guidelines regardless of economic ability. The committee will publish and distribute the guidelines to the judges in each county based on the county’s population. The judges shall distribute the guidelines as they determine necessary. A Spanish edition will also be made available once the state translates the guidelines. The committee is investigating the possibility of obtaining additional funding from the counties’ community funds to assist with printing and other costs.

#### Expected Results / Benchmarks:

Parenting Guidelines: The committee expects to distribute approximately 2,000 Parenting Guidelines to parents involved in divorce and paternity cases each year to help alleviate problems regarding parenting time.

Informational Meetings: It is anticipated that 150 to 200 people will be able to learn about their rights and how to better assert their rights through such meetings.

Costs:

Printing and distribution of "Parenting Time Guidelines"  
Printing and mailing costs for PR, handouts  
Misc. costs for educational programs.

**Problem/Barrier #3**

Inability to afford representation.

Supporting Data:

- Legal Needs Study of the Poor in Indiana, 1992
- The Legal Needs of Low-Income Hoosiers, October 1999

Activities to Meet the Need:

A. Interviewing and Eligibility Determination:

Indiana Legal Services will be primarily responsible for interviewing prospective clients and determining eligibility for clients in all of District 5.

The Howard County Legal Aid attorneys will continue to do their own interviewing and eligibility determinations.

C. Case Referral:

People of limited means will be represented by case referral to pro bono attorneys. The committee will provide financial support to Indiana Legal Services to assist them in their efforts to continue this function.

In Howard County, persons of limited means will receive representation through direct contact with a legal aid attorney. The Howard County Legal Aid attorney will determine financial eligibility using guidelines determined by the Howard County Bar Association.

Attorneys in all the district counties will be encouraged to refer possible pro bono cases to Indiana Legal Services for eligibility determination and possible referral. The attorneys are also encouraged to contact Legal Services directly if they have a client they would like to represent pro bono, and want the advantages (such as malpractice insurance) of having that client go through the Volunteer Community Lawyer Panel.



### C. Encourage Informa Pauperis Filings

Provide pro bono attorneys with sample forms upon referral of any client when the referring agency deems it might be appropriate and/or upon request by the attorney.

#### Expected Results / Benchmarks:

It is anticipated that 30 to 40 clients in District V could be represented through referral to the private bar by Legal Services.

#### Costs:

ILS Staff time to process applications, refer, and follow-up on pro bono cases.  
Printing, mailing, phone charges.

### **Problem/Barrier # 4**

Lack of knowledge and confidence for pro se litigants to effectively represent themselves.

Supporting Data:

Report on the National Conference on Pro Se Litigation, November 1999

#### Activities to Meet the Need:

- A. The commitment of the Bench is essential in any matter being handled pro se. The committee shall seek and encourage the cooperation and support of the courts in each county to make pro se representation work.
- B. The committee shall work with Legal Services to make pro se materials available to low income litigants in simple uncontested divorces. Legal Services will determine eligibility and screen for criteria set by the committee.
- C. The committee will work to recruit one or two attorneys in each county who will meet with pro se litigants twice a year each to review pro se forms, explain what will happen in court and answer any questions about the process or the forms.

#### Expected Results / Benchmarks:

It is expected that at least 20 to 30 additional clients could be served through a supported pro se program the first year.

#### Costs:

ILS staff time for screening, and processing applications.  
Printing and distribution:

## Budget for 2001-2002

Printing, mailing and distribution of printed materials (recruiting materials, handouts, pro se packets, parenting guidelines, PR materials)	\$4,000	per year
Mal Practice Insurance (through ILS)	\$500	per year
ILS Staff to provide services to District 5 (Recruiting attorneys, processing applications, screening, referring, and follow-up of cases, preparation of printed materials for the district, coordination of activities for the District)	\$5,000	per year
Extraordinary litigation fund	\$500	per year
Contingency fund (for unexpected expenses and unforeseen opportunities)	\$1,000	per year
Total	\$11,000	per year*

\* This plan is for two years, the budget will be the same each year.